
Community Water System Requirements
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45-341. Definitions

In this article, unless the context otherwise requires:

1. **"Community water system"** means a public water system that serves at least fifteen service connections used by year-round residents of the area served by the system or that regularly serves at least twenty-five year-round residents of the area served by the system. A person is a year-round resident of the area served by a system if the person's primary residence is served water by that system.
2. **"Large community water system"** means a community water system that serves water to more than one thousand eight hundred fifty persons.
3. **"Public water system"** means an entity that distributes or sells water and that qualifies as a public water system under section 49-352, subsection B.
4. **"Small community water system"** means a community water system that does not qualify as a large community water system.

45-342. System water plan; components; exceptions

A. Except as provided in subsections D and E of this section, by the dates specified in subsections B or C of this section, each community water system shall prepare and submit to the director a system water plan that includes the following components:

1. A water supply plan.
2. A drought preparedness plan.
3. A water conservation plan.

Due Dates

B. Except as provided in subsection C of this section, a large community water system shall submit its first system water plan to the director on or before January 1, 2007, and shall submit an updated plan within six months prior to January 1 of every fifth calendar year thereafter. A small community water system shall submit its first system water plan to the director on or before January 1, 2008, and shall submit an updated plan within six months prior to January 1 of every fifth calendar year thereafter. For a small community water system that submits its request to the director at least ninety days before the filing deadline, the director may extend the time for filing the first water system plan. If a community water system revises its system water plan after submitting the plan to the

director, the community water system shall submit the revised plan to the director within sixty days from the date of revision.

Joint Plan

C. If more than one community water system serves water to residents within a city or town, two or more of the community water systems serving water to residents within that city or town may coordinate their efforts in preparing the plans required by this section and may submit a joint plan that contains the information required in this section for that portion of the community supplied by the community water systems instead of submitting individual water system plans. Community water systems that submit a joint plan pursuant to this subsection shall submit the plan to the director by the date on which a small community water system is required to submit its system water plan under subsection B of this section. The director may extend the time for filing the first water system plan for a joint plan that includes a small community water system if the request is received ninety days before the filing deadline.

Exemptions

D. A community water system that has been designated as having an assured water supply pursuant to section 45-576 is exempt from the requirement to submit a water supply plan under this section.

E. A community water system regulated as a large municipal provider under chapter 2, article 9 of this title is exempt from the requirement to submit a water conservation plan under this section. The director shall exempt a community water system regulated as a small municipal provider under chapter 2, article 9 of this title from the requirement to submit a water conservation plan under this section if the community water system:

1. Petitions the director for an exemption prior to January 1, 2007.
2. Demonstrates, under reasonable growth projections, that it will be regulated as a large municipal provider under chapter 2, article 9 of this title prior to January 1, 2012.

Previously Submitted Information

F. A community water system that has previously submitted information required by this section to the director may make a written request to the director to be exempted from the requirement to submit the information in its system water plan. The director shall grant the exemption if the director determines that the information is already on file with the department.

Review

G. The director shall review a system water plan, including a revised plan, submitted by a community water system pursuant to subsection B of this section and shall notify the community water system in writing as to whether the plan complies with this section. If the director determines that the plan does not comply with this section, the director shall give written notice of that determination to the community water system and give the

community water system at least one hundred twenty days to make revisions or additions as are necessary to bring the plan into compliance. If the community water system does not bring the plan into compliance by the date specified in the notice, the director shall provide notice of the noncompliance to the governing bodies of the cities, towns and counties located within the service area of the community water system. If the director determines that the plan is in compliance with this section but that changes would improve the plan, the director shall give written notice of the changes to the community water system but the water system shall not be required to make the changes.

Water Supply Plan

H. The water supply plan shall evaluate the water supply needs in the service area and propose a strategy to meet identified needs. The plan shall include:

1. A list and description of service area lands, sources of supply, including emergency sources, well registration numbers and water levels at the well sites, if known, and storage and treatment facilities. The list shall not include water levels at well sites that are sources of supply for hard rock mining or metallurgical processing or industrial uses related to hard rock mining or metallurgical processing.
2. A map and description of existing transmission and distribution facilities, unless previously provided pursuant to section 45-498. For a small community water system a map is not required.
3. A description of monthly system production data categorized by the system's sources of supply and, for systems that use meters to measure withdrawals and diversions, a summary of system average daily demands, maximum monthly demands and an estimate of peak day demands for the past five years.
4. A list, description and map of existing interconnections unless previously provided pursuant to section 45-498, and the quantities of water sold to or purchased from other water systems during the previous five years, unless previously provided pursuant to section 45-632. For a small community water system a map is not required.
5. An analysis of present and future water supply demands for the next five, ten and twenty years.

Drought Preparedness Plan

I. The drought preparedness plan shall be designed to meet the specific needs of the water system for which it applies and shall include:

1. The name, address and telephone number of the community water system and the names of the officers or other persons responsible for directing operations during a water shortage emergency.

2. Drought or emergency response stages providing for the implementation of measures in response to reduction in available water supply due to drought or infrastructure failure.

3. A plan of action that the community water system will take to respond to drought or water shortage conditions, including:

(a) Provisions to actively inform the public of the water supply shortage and a program for continued education and information regarding implementation of the drought preparedness plan.

(b) Development of emergency supplies, which may include identification of emergency or redundant facilities to withdraw, divert or transport substitute supplies of the same or other types of water.

(c) Specific water supply or water demand management measures for each stage of drought or water shortage conditions, subject to approval by the corporation commission if the community water system is a public service corporation. This requirement may be met by providing a curtailment tariff on file with the corporation commission.

Water Conservation Plan

J. The water conservation plan shall be designed to increase the efficiency of the water system, reduce waste and encourage consumer water conservation efforts. The water conservation plan shall be designed to meet the specific needs of the community water system and shall include both demand and supply management measures including the following:

1. Feasible measures that may be implemented to determine and control lost and unaccounted for water.

2. Consideration of water rate structures that encourage efficient use of water, as set by the community water system's governing body, subject to approval by the corporation commission if the community water system is a public service corporation.

3. A continuing conservation education program containing provisions to actively inform the public of drought conditions and information regarding conservation measures to reduce vulnerability from drought conditions, including:

(a) Curtailment of nonessential water uses.

(b) Affordable efficiency technologies for indoor and outdoor use.

(c) Rebate and retrofit programs for indoor and outdoor uses.

(d) Reuse and recycling programs.

Water Conservation Plan Implementation

K. The water conservation plan shall be implemented by the community water system within twelve months after receiving written notification from the director that the plan complies with this section. For a community water system that receives a notice pursuant to subsection G of this section that the water conservation plan does not comply with this section, the water conservation plan shall be implemented within twelve months after the expiration of the date by which the system is required to make revisions or additions to the plan to bring it into compliance, as specified in the notice given to the system under subsection G of this section.

Forms for Small Community Water Systems

L. The director shall prepare forms that small community water systems may complete and submit as their system water plan under this section. The director shall distribute the forms on a timely schedule and furnish them upon request. Failure to receive or obtain a form does not relieve any community water system from the requirement to file a system water plan by the date prescribed in subsections B or C of this section. The director of water resources shall coordinate with the corporation commission and the director of environmental quality in establishing the form to facilitate the reporting of similar or identical information to the department of water resources and the corporation commission or to the department of water resources and the department of environmental quality.

Guidance Document

M. The director shall prepare a guidance document to assist community water systems in preparing the water system plan. The director shall cooperate with cities and towns, private water companies and irrigation districts that are community water systems in developing the guidance document and the form described in subsection L of this section.

45-343. Records and annual report of water use; penalty

Record Keeping Requirements

A. Each community water system that is required to file an annual report under this section and that uses meters to measure water withdrawals and diversions shall maintain current, complete, true and correct records of its withdrawals, diversions and deliveries of water in the form as prescribed by the director. Each community water system that is required to file an annual report under this section and that does not use meters to measure water withdrawals and diversions shall maintain records of the estimated amount of its withdrawals, diversions and deliveries of water in the form as prescribed by the director.

Exempt – Community Water System in an AMA

B. An annual report shall be filed with the director by each community water system. A community water system is exempt from the reporting requirements in this section if it is required to file an annual report under section 45-632.

Annual Reporting Requirements

C. A community water system required to file an annual report under this section shall report the following information:

1. If water was pumped or diverted by the community water system during the year:

(a) The quantity of water pumped or diverted and the well registration numbers of any wells used to pump or divert the water. Community water systems that do not use meters to measure water pumped or diverted shall estimate the quantity of water pumped or diverted.

(b) The number of customers to whom the community water system delivered water during the year.

(c) An identification of the number of storage facilities and the storage capacity of each facility.

2. If water was received by the community water system from another person during the year:

(a) The name of the person from whom the water was obtained.

(b) If the water was pumped or diverted, the registration numbers of any wells used to pump or divert the water, if known.

(c) The quantity of water received during the year.

(d) The number of customers to whom the community water system delivered water during the year.

(e) An identification of the number of storage facilities and the storage capacity of each facility.

3. If effluent that is generated from a wastewater treatment facility was used or received by the community water system during the year,

(a) The estimated quantity of effluent generated from the wastewater treatment facility during the year,

(b) The estimated quantity of effluent used directly from the wastewater treatment facility during the year and

(c) The specific uses to which the effluent was applied during the year.

Maintain Map

D. Community water systems required to file annual reports under this section shall maintain a current map clearly delineating its service area and distribution system.

Forms for Records and Reporting

E. The records and reports required to be kept and filed under this section shall be in the form as the director prescribes. The director shall prepare blank forms and distribute them on a timely schedule and furnish them upon request. Failure to receive or obtain the forms does not relieve any person from keeping the required records or making any required report. The director shall cooperate with cities and towns, private water companies and irrigation districts that are community water systems in establishing the form of the records and reports to be kept and filed by them. The director of water resources shall coordinate with the corporation commission and the director of environmental quality in establishing the form of the reports required to be filed by this section to facilitate the reporting of similar or identical information to the department of water resources and the corporation commission or to the department of water resources and the department of environmental quality.

Compliance with Reporting Requirements

F. If a community water system fails to timely file the report prescribed by this section, the director shall provide a written notice to the water system that requires compliance within sixty days of the date of the notice. If the water system does not comply within the sixty day period, the director shall provide notice of that noncompliance to the governing bodies of the cities, towns and counties located within the service area of the water system.

G. A violation of this article does not constitute a violation of chapter 2 of this title.